

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

VS.

DON EUGENE WHITE

Defendant,

2:15-cr-00144-KJD-PAL

MINUTES OF THE COURT

Dated: June 13, 2016

PRESENT:

THE HONORABLE **KENT J. DAWSON, U.S. DISTRICT JUDGE**

DEPUTY CLERK: DENISE SAAVEDRA

COURT REPORTER: KATHERINE EISMANN

PRESENT FOR PLAINTIFF: PHILLIP SMITH AND ELHAM ROOHANI, AUSA

PRESENT FOR DEFENDANT: THOMAS ERICSSON, CJA

JURY TRIAL - DAY 1

Proceedings begin at 9:07 a.m. Defendant is present. Officer Michael Loving is present as case agent.

The Court addresses [113] Defendant's Appeal from the Magistrate's order Denying Counsel [107] Motion to Withdraw as Counsel for Defendant. Accordingly, as said on the record the Appeal is DENIED.

43 Proposed jurors enter the Courtroom at 9:35 a.m. and are sworn. Voir Dire begins.

Counsel exercise peremptory challenges. 14 jurors are seated and sworn. The Court admonishes the jury.

Mr. Smith presents the Government's opening statement.

Mr. Ericsson presents the Defendant's opening statement.

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Proceedings recess from 11:37 a.m. - 1:06 p.m.

Outside the presence of the jury, defense counsel moves for a mistrial under Rule 404(b). Government makes representations. Accordingly, the Court Denies Motion for Mistrial. Defense Counsel then makes Motion for Government counsel not be able to introduce further evidence related to the possession of cocaine. The Court Denies Motion.

Jurors are present at 1:13 p.m.

**Detective Seely** is sworn to testify as a witness for the Government. Ms. Roohani examines the witness. Ms. Roohani passes the witness for cross examination. Mr. Ericsson cross examines the witness. The witness is excused.

**Officer Chard** is sworn to testify as a witness for the Government. Ms. Roohani examines the witness. Government exhibit 1 is marked and admitted. Ms. Roohani passes the witness for cross examination. Mr. Ericsson cross examines the witness. After further examination by Ms. Roohani and Mr. Ericsson, the witness is excused.

**Heidi Gil** is sworn to testify as a witness for the Government. Mr. Smith examines the witness. Mr. Smith passes the witness for cross examination. Mr. Ericsson cross examines the witness, after further examination by Mr. Smith the witness is excused.

Proceedings recess from 2:45 p.m. - 3:05 p.m.

**Officer Biel** is sworn to testify as a witness for the Government. Mr. Smith examines the witness. Government exhibits 2-1 through 2-14, and 3 (*the jury is instructed that any hearsay statements are not offered for the truth of the matter asserted*) are marked and admitted. Mr. Smith passes the witness for cross examination. Mr. Ericsson cross examines the witness. After further examination, the witness is excused.

**Agent LaRusso** is sworn to testify as a witness for the Government. Ms. Roohani moves to qualify witness as an expert. Testimony of Mr. LaRusso is received as expert witness. Ms. Roohani direct examines the witness. Ms. Roohani passes the witness for cross examination. Mr. Ericsson cross examines the witness. The witness is excused.

**Detective Loving** is sworn to testify as a witness for the Government. Mr. Smith examines the witness, the witness is excused.

Mr. Smith moves into evidence Government Exhibit 5. Defense has no objection. Government Exhibit 5 is marked and admitted and read into the record.

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Government rests.

Defense rests.

Jurors are admonished at 4:22 p.m.

Defendant is canvassed by the Court as to not testifying.

Defense moves for Rule 29 Motion, the Court Denies Motion.

Proceedings recess at 4:31 p.m.

**IT IS ORDERED that the jury trial is continued to Tuesday, June 14, 2016 at 9:30 A.M.**

**LANCE S. WILSON, CLERK  
UNITED STATES DISTRICT COURT**

/s/ Denise Saavedra  
DEPUTY CLERK